



City of Hampton, VA

Meeting Minutes

City Council

22 Lincoln Street
Hampton, VA 23669
www.hampton.gov

Linda Curtis
W. H. "Billy" Hobbs, Jr.
Will Moffett
Chris Snead
Christopher G. Stuart
Donnie R. Tuck
George E. Wallace, Mayor

Staff:
Mary Bunting, City Manager
Vanessa T. Valldejuli, City Attorney
Katherine K. Glass, CMC, Clerk of Council

Wednesday, March 12, 2014

7:00 PM

Council Chambers, 8th Floor, City Hall

CALL TO ORDER/ROLL CALL

GEORGE E. WALLACE PRESIDED

PRESENT: Linda Curtis, W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck

INVOCATION – COUNCILMAN DONNIE R. TUCK

At Councilman Tuck's request, those on the dais and in the audience paused for a moment of silence for the invocation and in memory of Mr. Rudy Langford who passed away this week.

PLEDGE OF ALLEGIANCE TO FLAG

MAYOR'S COMMENTS

CONSENT AGENDA

At Mayor Wallace's request, Deputy Clerk of Council Tammy Lee read the protocol for the Consent Agenda items.

Councilwoman Snead disclosed that she is a good friend of Ms. Shellae Blackwell referenced in item 6; and, therefore, contacted City Attorney Vanessa Valldejuli to determine whether or not there was a conflict of interest. She clarified that Ms. Valldejuli has confirmed that there is no conflict of interest for Councilwoman Snead to vote on item 6.

CONSENT ITEMS

1. 14-0091 Request for Refunds for Tax Years 2008, 2009, 2010, 2011, 2012, and 2013

A copy of the Request for Refunds for Tax Years 2008, 2009, 2010, 2011, 2012, and 2013 is attached to the minutes.

APPROVED items 1 through 8 on the consent agenda.

Motion made by: Councilmember Christopher G. Stuart

Seconded by: Councilmember W. H. "Billy" Hobbs, Jr.

Ayes: 7 - Linda Curtis, W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace

Nays: 0

2. 14-0112 Approval of the minutes from the afternoon session, the public comment period, and the evening session of January 8, 2014; the special meeting of February 5, 2014; and the evening meeting of February 12, 2014.

APPROVED items 1 through 8 on the consent agenda.

Motion made by: Councilmember Christopher G. Stuart

Seconded by: Councilmember W. H. "Billy" Hobbs, Jr.

Ayes: 7 - Linda Curtis, W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace

Nays: 0

3. 14-0113 Ordinance to amend and reenact Chapter 29 of Code of the City of Hampton, Section 29-4 entitled, "Provision of certain records and services; fees", by amending Subsection 29-4(c)(5) pertaining to photographs.

APPROVED items 1 through 8 on the consent agenda.

Motion made by: Councilmember Christopher G. Stuart

Seconded by: Councilmember W. H. "Billy" Hobbs, Jr.

Ayes: 7 - Linda Curtis, W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace

Nays: 0

4. 14-0115 Resolution Approving the City of Hampton, Virginia's Participation and Appropriation of the 2013 State Criminal Alien Assistance Program Through the Hampton Sheriff's Office from the Department of Justice, Bureau of Justice Assistance.

WHEREAS, the Department of Justice, Bureau of Justice Assistance has awarded State Criminal Alien Assistance Program funds to the City of Hampton in the amount of \$14,745 in federal funds;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Hampton accepts and appropriates the State Criminal Alien Assistance Program award in the amount of \$14,745 and any related supplemental funding by the Department of Justice, Bureau of Justice Assistance in accordance with the grant agreement;

APPROVED items 1 through 8 on the consent agenda.

Motion made by: Councilmember Christopher G. Stuart

Seconded by: Councilmember W. H. "Billy" Hobbs, Jr.

Ayes: 7 - Linda Curtis, W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace
Nays: 0

5. 14-0119 Resolution Concurring With And Approving The Hampton Redevelopment And Housing Authority of the City of Hampton's Issuance of Multi-Family Housing Revenue Bonds, Series 2014, In An Amount Not to Exceed \$11,500,000 For The Woodlands Hampton, L. P. Project also known as the Marlyn Development Corporation Project

WHEREAS, the Hampton Redevelopment and Housing Authority (the "Authority") was created pursuant to the Virginia Housing Authorities Law (the "Act"), found in Chapter 1, Title 36, Code of Virginia of 1950, as amended (the "Virginia Code"), and is now existing and operating as a public body corporate and politic, and the Act empowers the Authority to issue its notes or bonds in accordance with the provisions of the Act for the purpose of making loans for the prevention and elimination of slum or blighted areas, for assistance in housing construction or rehabilitation by private sponsors and to refund prior obligations issued for any such purposes; and

WHEREAS, Woodlands Hampton, L. P., a Virginia limited partnership (the "Borrower"), has applied to the Authority for the issuance of \$11,500,000 of the Authority's Multi-Family Housing Revenue Bonds (Woodlands Hampton, L. P. Project), Series 2014 (the "Bonds"), to provide financing for the acquisition, construction and equipping of a four-story, multi-family seniors residential rental housing project containing not to exceed 133 dwelling units on an approximately 5.18 acre site, to be known as The Woodlands at Phoebus Apartments and to be located at 54 Woodland Road, Hampton, Virginia 23663, together with the payment of certain issuance and other transaction costs (collectively, the "Project"); and

WHEREAS, the Borrower, which will commence the acquisition, construction and equipping of the Project promptly following the issuance of the Bonds, has its principal place of business at 308 35th Street, Suite 101, Virginia Beach, Virginia 23451, in the City of Virginia Beach, Virginia; and

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), requires, among other things, the approval by this Council of the issuance of any new issue of private activity bonds after the Authority has held a public hearing to consider the issuance of such bonds as one of the acts required in order for the interest on such bonds to qualify for exemption from the imposition of federal income tax; and

WHEREAS, pursuant to due notice, the Authority has, on January 22, 2014, conducted a public hearing on the application of the Borrower for the issuance of such Bonds in compliance with the requirements of Section 147(f) of the Code, Section 15.2-4906 of the Code of Virginia of 1950, as amended, and Section 2 of Chapter 514 of the Acts of Assembly of 1983, and after such public hearing did adopt a resolution to assist in the issuance of \$11,500,000 of its tax-exempt bonds, subject to the adoption of this resolution; and

WHEREAS, pursuant to Section 146 of the Code, Title 15.2, Chapter 50 of the Virginia Code and the Virginia Private Activity Bond Allocation Guidelines, promulgated by the Virginia Department of Housing and Community Development ("DHCD"), an

allocation from the "State ceiling" (as defined in Section 146 of the Code) limitation on the volume of private activity notes or bonds which may be issued in the Commonwealth of Virginia in 2014 ("Volume Cap") must be granted by DHCD, in its capacity as Allocation Administrator, in order for the interest on the Bonds to be exempt from the imposition of federal income tax, for which allocation of Volume Cap an application must be submitted by the Authority to DHCD; and

WHEREAS, the Authority has recommended that the Council approve the issuance of the Bonds and support the Authority's application to DHCD for an allocation to the Bonds of a portion of the State ceiling of Volume Cap; and

WHEREAS, a Fiscal Impact Statement complying with the requirements of Section 15.2-4907 of the Virginia Code and Section 2 of Chapter 514 of the Acts of Assembly of 1983 of the General Assembly of Virginia, a record of the public hearing held by the Authority, and a copy of the Authority's resolution approving the issuance of the Bonds, subject to the terms to be agreed upon, have been filed with the Council;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hampton, Virginia:

Section 1: That the recitals in the preambles hereto are found to be true and correct in all respects, and are adopted as findings of this Council as if fully rewritten herein.

Section 2: That the Project proposed to be financed by the issuance of the Bonds is deemed appropriate for such financing and, accordingly, the issuance of the Bonds is hereby approved.

Section 3: That the Council supports the Authority's application to DHCD for an allocation for the Bonds of \$11,500,000 of the State ceiling of Volume Cap.

Section 4: The approval of the issuance of the Bonds, as required by Section 147(f) of the Code and by Virginia Code, does not constitute an endorsement to a prospective purchaser of the Bonds of the creditworthiness of the Project or the Borrower and the Bonds shall provide that the City of Hampton shall not be obligated to pay the Bonds or the interest thereon or other costs incident thereto and neither the faith or credit nor the taxing power of the Commonwealth of Virginia or the City of Hampton shall be pledged thereto.

Section 5: That this resolution shall be in effect from and after its adoption.

APPROVED items 1 through 8 on the consent agenda.

Motion made by: Councilmember Christopher G. Stuart

Seconded by: Councilmember W. H. "Billy" Hobbs, Jr.

Ayes: 7 - Linda Curtis, W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace

Nays: 0

6. 14-0122 Resolution Determining Shellae Blackwell To Be The Only Source Practicably Available From Which To Procure Neighborhood Capacity

Building Services and Authorizing The Negotiation And Execution Of A
Service Contract With Shellae Blackwell as "Sole Source"

WHEREAS, Hampton City Council acknowledges one of the goals of the Safe & Clean Campaign is to build positive relationships with neighborhood leaders and organizations in targeted areas to reduce crime and blight; and

WHEREAS, the Hampton City Council recognizes that community-based organizations have a unique role to play in the revitalization of neighborhoods and local economies, and established neighborhood organizations, such as associations, neighborhood watch programs, and neighborhood alliances, are a means to building a neighborhood's capacity to address issues of crime and blight; and

WHEREAS, Hampton City Council acknowledges the public interest in providing, through its Community Development Department, the most efficient and cost-effective means reasonably available and affordable to facilitate neighborhood leadership engagement, promote a positive perception by residents and civic leaders of city staff and services, strengthen neighborhood leadership and their ability to manage neighborhood issues, and support the development of strategic community partnerships to leverage additional resources to address neighborhood issues; and

WHEREAS, Shellae Blackwell, formerly an employee of the Hampton Neighborhood Office for over thirty (30) years, has the experience, relationships with staff and members of the community, to effectively engage residents in Safe & Clean areas for the purpose of providing information, education and training, to manage the vision and vitality of their neighborhoods, and build relationships that are beneficial to neighborhood success; and

WHEREAS, the City Manager has concluded and the Council agrees that the circumstances above make Shellae Blackwell the only source available from which to procure temporary Neighborhood Capacity Building services; and

WHEREAS, Council further understands that the City Manager seeks to secure Ms. Blackwell's services on a contract basis for the limited period of May 1, 2014 through April 30, 2015, with an option to renew for an additional 12 months if needed; and

WHEREAS, the price at which Ms. Blackwell has offered to perform Neighborhood Capacity Building in targeted areas of the City has been determined to be fair and reasonable;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hampton, Virginia as follows:

1. That the contract for procuring Neighborhood Capacity Building Services described above may be negotiated and awarded to Shellae Blackwell as a "sole source" without competitive sealed bidding or competitive negotiation as set forth in Virginia Code Section 2.2-4303.E;

2. That the City Manager or his authorized designee is hereby authorized to negotiate and execute a services purchase contract with Shellae Blackwell; and

3. That the notice awarding the contract to Shellae Blackwell shall be posted in a public place pursuant to Virginia Code Section 2.2-4303.E.

APPROVED items 1 through 8 on the consent agenda. During the vote on the consent agenda, Councilwoman Snead disclosed that Shellae Blackwell is a very close friend and that she had discussed her participation in this vote with the City Attorney who indicated that there was not a conflict of interest in her participating in the vote.

Motion made by: Councilmember Christopher G. Stuart

Seconded by: Councilmember W. H. "Billy" Hobbs, Jr.

Ayes: 7 - Linda Curtis, W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace

Nays: 0

7. 14-0124 Resolution Authorizing the Transfer of Two Parcels of City Owned Property Identified as Portions of 41 Floyd Thompson Boulevard (LRSN 6000980) and Totaling 844± Square Feet to the Economic Development Authority of the City of Hampton and the Execution and Delivery of All Documents Necessary for the Conveyance.

WHEREAS, the City of Hampton ("the City") is the record owner of two parcels of land in the City of Hampton, consisting of approximately 844± square feet and depicted as "Parcel A" and "Parcel B" on a certain plat entitled "Plat Showing Parcels 'A' & 'B' Acquired From Union Carbide Corp. Floyd Thompson Dr., City of Hampton, VA." attached hereto as Exhibit A; and

WHEREAS, the Economic Development Authority ("EDA") is the record owner of another portion of 41 Floyd Thompson Boulevard (LRSN 6000980) constituting an approximate total of 2679± square feet ("the EDA Property"); and

WHEREAS, in 1968 the City acquired a permanent easement over the EDA Property for the construction, location, operation, and maintenance of a sewage pump station and sanitary sewer lines; and

WHEREAS, in 1992 the City acquired the Property, thereby increasing the total acreage available for the existing pump station operation; and

WHEREAS, in order to facilitate the redevelopment of the property surrounding the existing pump station, Saad Development Corporation plans to construct a new 480± square foot sanitary sewer pump station, at no cost to the City, on a neighboring parcel known as 3201 Commander Shepard Boulevard (LRSN 6001003), which consists of approximately 30.94± acres; and

WHEREAS, the plans for the new pump station were approved by the Department of Public Works and, pursuant to Virginia Code § 15.2-2232, the location, character, and extent of the new pump station were approved by the Planning Commission in December 2013; and

WHEREAS, once the new pump station is constructed, fully operational, and has been accepted by the City, Saad Development Corporation will demolish the existing pump station located at 41 Floyd Thompson Boulevard; and

WHEREAS, conveyance of the Property to the EDA will bring all three parcels of 41 Floyd Thompson Boulevard under the common ownership of the EDA, thereby facilitating the redevelopment of the site after demolition of the existing pump station; and

WHEREAS, the City Council has determined that the conveyance of the Property to the EDA is in the best interest of the City and its citizens;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Hampton, Virginia, as follows:

1. That the conveyance of the Property to the EDA is hereby approved; and
2. That the City Manager is authorized to execute and deliver all documents necessary for the conveyance.

APPROVED items 1 through 8 on the consent agenda.

Motion made by: Councilmember Christopher G. Stuart

Seconded by: Councilmember W. H. "Billy" Hobbs, Jr.

Ayes: 7 - Linda Curtis, W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace

Nays: 0

8. 14-0126 Reappointment of William "Bill" H. Benson, Jr. and appointment of Jim Wilson as the employee representative to the Hampton Employees Retirement System Board (HERS) for full two year terms which will expire on January 30, 2016.

APPROVED items 1 through 8 on the consent agenda.

Motion made by: Councilmember Christopher G. Stuart

Seconded by: Councilmember W. H. "Billy" Hobbs, Jr.

Ayes: 7 - Linda Curtis, W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace

Nays: 0

PRESENTATIONS, PROCLAMATIONS, AWARDS

PUBLIC HEARINGS

REZONINGS

9. 14-0116 Ordinance To Amend And Re-enact Chapter 18.1 Of The Zoning Ordinance Of The City of Hampton, Virginia Entitled "Signs" By Amending Section 18.1-6(2) Pertaining To Menu Boards.

City Manager Mary Bunting called upon Senior Zoning Official Jeff Conkle to brief Council and the community on the item so they are aware of the change involved. A copy of the presentation is attached to the minutes.

Senior Zoning Official Jeff Conkle greeted those on the dais and explained that this amendment will change the way we regulate the drive-through menu board signage often seen at fast food restaurants. He noted that the Zoning Ordinance can regulate many kinds of signs, for example, drive-through menu boards. He explained that we currently allow one (sign) per site, but have had numerous requests of the Board of Zoning Appeals over the last few years for additional signs. More specifically, in the last year, the Board has had approximately four variance requests for this issue which lets them know they need to review the ordinance and determine if changes are necessary. He added that after looking at other communities and their regulations, we decided that a change may be necessary. Slide 2 shows examples of the possible types of menu boards involved including preview menu boards and a dual drive-through creating the need for two menu boards.

Mr. Conkle reviewed slide 3 which shows details of what the current ordinance allows as well as slide 4 which lists the details of the proposed ordinance. Slide 5 lists the Committees and Commissions which have reviewed the ordinance and are in support of the change.

Mr. Conkle noted that staff recommends approval of the Ordinance Amendment and then opened the floor for questions from those on the dais. There were no questions posed by those on the dais.

PUBLIC HEARING:

Mayor Wallace stated no citizens signed up to speak and called for speakers from the audience. Hearing none, he closed the Public Hearing.

PRESENTED by Jeff Conkle, Senior Zoning Official.

HELD PUBLIC HEARING - there were no speakers on this item.

ADOPTED

Motion made by: Councilmember W. H. "Billy" Hobbs, Jr.

Seconded by: Vice Mayor Linda Curtis

Aye: 7 - Linda Curtis, W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead,
Christopher G. Stuart, Donnie R. Tuck, George E. Wallace

Nay: 0

10. 14-0117 Ordinance To Amend And Re-Enact Chapter 2 Of The Zoning Ordinance Of The City Of Hampton, Virginia Entitled "Uses Permitted" By Amending Sections 2-2 And 2-3(46) Pertaining To Community Gardens To Adding The New Use Of Community Gardens To The Use Table And Adding Section 2-3(46) For Standards Pertaining To Community Gardens.

Ms. Bunting introduced City Planner Tolu Ibikunle to brief Council. A copy of the presentation is attached to the minutes.

City Planner Tolu Ibikunle greeted those on the dais and stated that this proposal is to amend and re-enact Chapter 2 "Uses Permitted" within the use table of the Zoning

Ordinance to permit community gardens in the City and to re-define community gardens in the Zoning Ordinance by amending Chapter 2.1 "Definitions".

Ms. Ibikunle explained staff was tasked with researching opportunities to have a community gardens program in Hampton, and, through that research, determined that we needed to propose an amendment because community gardens are not permitted in our Zoning Ordinance; they are only defined. She stated this is an opportunity to transition some vacant publicly owned land to community gardens and to make them more of a community asset.

Ms. Ibikunle emphasized that we are not proposing that every vacant publicly owned land be transitioned into a community garden; instead, only where deemed appropriate.

Ms. Ibikunle explained that these amendments would fulfill several of the Hampton Community Plan policies by encouraging connections between open spaces and community facilities such as community centers or libraries. She noted that this also promotes the environmental stewardship and education, and then added that when a community has these opportunities, it allows for more positive interaction among its citizens. Other than the environmental and community benefits, permitting community gardens on publicly owned vacant land as a primary or accessory use provides the opportunity to turn the land into community assets.

Ms. Ibikunle stated that staff is aware that other communities have created policies and regulations related to community gardens and have researched other localities' community gardens zoning regulations to identify the most effective way to regulate community gardens in Hampton. Some of those localities include: Newport News, Richmond, and Roanoke. She noted that other communities were researched; however, these three are representative of the different models of community garden regulations in the Commonwealth that we used as identifiers after which to model our future program.

Ms. Ibikunle stated slide 5 illustrates an image of a community garden being created in Richmond by area volunteers. Slide 6 shows existing community gardens in Hampton located at Cary Elementary School, Sprately Gifted Center and the Peninsula Food Bank. She noted that the community gardens located at the schools are used for educational purposes for their students and the Peninsula Food Bank provides the food to further their mission.

Ms. Ibikunle stated as part of the research, the proposed amendments were presented to the Zoning Ordinance Advisory Committee and the Neighborhood Commissions' Community Appearance Pride and Image Committee. She noted that the Planning Commission also recommended approval of these amendments and all of these bodies understood that in order to achieve a successful community gardens program, we must first make it permissible in our Zoning Ordinance.

Ms. Ibikunle elaborated on the chart on slide 8 categorized by landownership type primary use and accessory use to show how community gardens would be regulated if approved. Community gardens would be allowed on publicly owned vacant land as a primary use and as an accessory use to an existing community facility, for example, a community center. Community gardens would also be permitted on privately owned

land only as an accessory use to a non-profit charitable or a religious entity such as a church.

Ms. Ibikunle stated the key is if the landownership type does not fall under any one of these categories, it wouldn't be regulated as a community garden. For example, if a resident currently has a garden in their back yard, this would not apply to them.

Ms. Ibikunle stated the revised definition of a community garden would be revised to fit the new vision for how to regulate the gardens in the City. She clarified that if these amendments are approved, staff would then work with the Parks and Recreation Department who will administer the Community Gardens Program and collaborate with other City departments and stakeholders to determine a Community Gardens Program structure.

Ms. Ibikunle noted that staff recommends approval of Zoning Ordinance Amendments 136-2014 and 137-2014 and then opened the floor for questions from those on the dais.

Councilman Tuck asked Ms. Bunting to address whether or not the Parks and Recreation Department has the staffing to take on this additional project. Ms. Bunting stated we have some community gardens which have been started by volunteer organizations and most of the care will be done by volunteers unless it is a project we start. She clarified that this refers to a monitoring role. She noted that every department could use more staff and the Parks and Recreation Department is one which could use more than others because it has taken more cuts over the years.

Parks and Recreation Department Director James Wilson made the following remarks addressing Councilman Tuck's question: This is all about quality of life and doing more with less. This is converting some of our land into good use and bringing the neighborhood together. We have some gardens at school sites; we have a community garden at the North Phoebus Community Center and we are looking at trying to use the first area working with the School Board at the Old Buckroe Junior High School lot. It is our management of getting the ground plowed, getting it tilled, and getting it established and coordinating the assignment of those lots. Hopefully they will manage themselves. We used to do this a number of years ago by Cooper Elementary School and it was successful. We are re-creating it with a demand. We have enough people that are interested, so with the departments working together, we think this can be successful.

Ms. Bunting added that we have had a lot of active community interest in the program.

Councilman Moffett commented that Hampton's Redevelopment and Housing Authority Chair, Eleanor Brown, has been talking about community gardens since 2007, and he is pleased to join her in the excitement that we are finally getting here. He also commended Ms. Ibikunle for giving a cheerful and energetic presentation.

Councilman Stuart also commended Ms. Ibikunle on the good presentation.

Vice Mayor Curtis stated she is in favor of this and has been to the Buckroe Junior High School site as well as the Newport News Community Garden at Lee Hall. She said in her opinion this is very promising and part of a healthy and green community. She reiterated this is something which she absolutely supports.

Mayor Wallace noted that City Attorney Valldejuli has informed him that it is acceptable to pass both issues simultaneously.

PUBLIC HEARING:

Mayor Wallace stated no citizens signed up to speak and called for speakers from the audience. There being none, he closed the Public Hearing and called for the motion.

PRESENTED by Tolu Ibikunle, City Planner. Jim Wilson, Director of Parks and Recreation, also provided information. Items 14-0117 and 14-0118 were handled together.

HELD PUBLIC HEARING - there were no speakers on this item. Items 14-0117 and 14-0118 were handled together.

ADOPTED Items 14-0117 and 14-0118 were handled together.

Motion made by: Councilmember Christopher G. Stuart

Seconded by: Vice Mayor Linda Curtis

Ayes: 7 - Linda Curtis, W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace

Nays: 0

11. 14-0118 Ordinance To Amend And Re-Enact Chapter 2.1 Of The Zoning Ordinance Of The City Of Hampton, Virginia Entitled "Definitions" By Amending Section 2.1-2 Pertaining To Community Gardens.

This item was handled simultaneously with item 14-0117.

PRESENTED by Tolu Ibikunle, City Planner. Jim Wilson, Director of Parks and Recreation, also provided information. Items 14-0117 and 14-0118 were handled together.

HELD PUBLIC HEARING - there were no speakers on this item. Items 14-0117 and 14-0118 were handled together.

ADOPTED Items 14-0117 and 14-0118 were handled together.

Motion made by: Councilmember Christopher G. Stuart

Seconded by: Vice Mayor Linda Curtis

Ayes: 7 - Linda Curtis, W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace

Nays: 0

OTHER PLANNING ACTIONS

12. 14-0120 Subdivision Exception Application No. 14-0001: by Thomas and Anne-Marie Loughran at 21 N. Cypress Street requesting an exception from Sections 35-26.1(B) and 35-71 (A) of the Subdivision Ordinance. Section 36-26.1 (B) requires adequate public facilities including the installation of required streets. Section 35-71 (B) requires lots created in a subdivision to meet a minimum lot frontage on a public street.

Ms. Bunting stated Mr. Thomas Loughran wishes to have this application withdrawn so that he can resubmit and better come into compliance with the Ordinance as it is outlined. She noted that City Attorney Valldejuli advised her that in consideration of this

request, no Public Hearing is needed; however, a motion from Council accepting the withdrawal of the application is required.

PRESENTED by the City Manager who indicated that the applicants wish to withdraw the application which would make a public hearing unnecessary.

WITHDRAWN - Council approved the applicants' request to withdraw their application.

Motion made by: Vice Mayor Linda Curtis

Seconded by: Councilmember Chris Snead

Aye: 7 - Linda Curtis, W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace

Nay: 0

OTHER PUBLIC HEARINGS

13. 14-0123 Resolution Authorizing the Conveyance of City Owned Property Located in the Grandview Subdivision, Also Known As "White Marsh," Totaling 22± Acres and Designated as LRSNs 13002918 and 13002957 to GRANDVIEW ISLAND BEACH PARTNERS CORP., At No Cost, and the Execution and Delivery of All Documents Necessary for the Conveyance.

WHEREAS, the City of Hampton ("the City") is the record owner of two vacant parcels of land in the City of Hampton, known as State Park Drive and designated as LRSNs 13002918 and 13002957, constituting an approximate total of 22± acres, which are further depicted on "Exhibit 1" and "Exhibit 2" attached hereto ("the Property"); and

WHEREAS, the Property is part of the undeveloped Grandview subdivision, also known as "White Marsh," which includes more than 100 acres of environmentally sensitive properties, beach, and water bodies; and

WHEREAS, the City acquired the Property in 1966, has no plans to develop the Property, and desires to preserve the Property in an undeveloped state in perpetuity in order to benefit the general public; and

WHEREAS, the surrounding properties are all owned by private individuals; and

WHEREAS, the Hampton Community Plan (2006, as amended) identifies all of the White Marsh area as an undeveloped future beach and nature area; and

WHEREAS, the City Council for the City discussed the possible conveyance of the Property at its February 12, 2014 afternoon session meeting and formed consensus around the idea of transferring ownership of the Property to a conservation group with restrictions on its development in order to preserve the Property; and

WHEREAS, Grandview Island Beach Partners Corp. ("Grandview Island") is a nonprofit Virginia corporation organized for the purpose of acquiring properties in the Grandview area in order to preserve and protect them in their natural state; and

WHEREAS, Grandview Island has agreed to take ownership of the Property subject to Deed Restrictions binding on Grandview Island and all its successors and assigns in perpetuity, which will run with the land; and

WHEREAS, said Deed Restrictions will: (1) limit the use of the Property to open space for the passive recreational, scenic, educational, and conservation use of the general public as well as allow all generally acceptable wildlife management practices; (2) prohibit all commercial, residential, or industrial development, including buildings, structures, hardscape, roads, parking areas, and utilities; (3) prohibit all land-disturbing activities except those reasonably necessary activities permitted by law and in accordance with the Coastal Primary Sand Dune Protection Act for: wetland or shoreline protection and/or restoration and erosion control, including oyster reefs, sand fencing, landscaping, and sand replenishment that may be necessary to protect sand dunes or wildlife habitat; (4) prohibit the subdivision, transfer, lease, or other conveyance of interest in the Property without formal approval of the City Council by a duly adopted resolution, and that any such transfer of interest in the Property shall incorporate the same restrictions as enumerated in the Deed Restrictions; (5) require that any sale of the Property as approved by the City Council shall entitle the City to 50% of the proceeds of such sale; (6) require that Grandview Island grant all shoreline protection easements requested by the City at no cost for the benefit of the City; (7) prohibit bonfires; (8) prohibit all activities on the Property after sundown; (9) require that the Property be kept clear of all trash, refuse, junk, and debris; (10) prohibit the display of all signage and advertising on the Property except for signage consistent with the zoning ordinance stating the name and/or address of the owners of the Property and/or the hours of use; (11) reserve the City's right to enter the Property at any time for purposes of inspection to ensure compliance with the Deed Restrictions; (12) reserve the City's right to bring an action at law or in equity to enforce the Deed Restrictions, including the right to demand reconveyance of the Property, to enjoin any activity in breach of the Deed Restrictions, and to require restoration of the Property to its condition at the time of the conveyance to Grandview Island, or to its condition prior to the violation, and recover damages arising from non-compliance; and (13) require that any change in the Deed Restrictions require formal Council approval by a duly adopted resolution; and

WHEREAS, the City Council has determined that the conveyance of the Property to Grandview Island with said Deed Restrictions is in the best interest of the City and its citizens, and that the terms of the conveyance are acceptable;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Hampton, Virginia, as follows:

1. That the conveyance of the Property to Grandview Island, with said Deed Restrictions, is hereby approved; and
2. That the City Manager is authorized to execute and deliver all documents necessary for the conveyance.

PUBLIC HEARING:

Mr. Bud Hurst, 34 Riley's Way, 23664, greeted those on the dais and made the following statement: I am a resident of Grandview Island and about 40 years ago, the City of Hampton, through Eminent Domain, created the preserve of the north end of the island.

I think about 30 years ago, the southern side of the island in the long-range plan created what is called White Marsh, a plan that it was to be a green zone. That hasn't always been adhered to because it wasn't followed through by the City totally. To me, this transfer would bring it back into alignment with this original long-range plan and I would fully support it and would hope that Council would enthusiastically endorse this. Thank you.

Ms. Anne Butcher, 14 Constant Road, 23664, President of Grandview Island Beach Partners Inc., greeted those on the dais and made the following statement: We are an active and on-going community-based organization that was formed for the express purpose of acquiring the City's lot on White Marsh Beach in the Grandview section of Hampton City. You might recall in the spring and summer of 2011, there were some lively City Council meetings where delegations of citizens beseeched the City since it owned the lot on the beach to become actively involved in helping resolve a legal issue involving beach access. Other than leaving the property in its natural state, the City had no interest in the property and did not permit (and probably did not deny) public access. Taking the advice of the City Attorney, City Council decided to avoid becoming entangled in the legal battle and in that context, several City Council members pondered the advisability of keeping the property at all. Anticipating such a possibility, White Marsh Beach property owners and residents of Grandview incorporated Grandview Island Beach Partners on August 17, 2011. Leaders of Grandview Island Beach Partners met with Cynthia Hudson (former City Attorney) and Terry O'Neill (Community Development Director) on September 15, 2011 to ascertain if such a group could be considered as the recipient of that property. At that meeting, we made it clear that Grandview Island Beach Partners would gladly agree to all City and State easements for shoreline protection and accept deed restrictions on the property if it were conveyed to us. Meetings were also held with officials of the Hampton and Williamsburg land conservancies to understand the intricacies of putting the land to conservancy. Working with the late Dr. George Burbank of Hampton University, we developed an extensive plan to plant dune grasses, erect sand fences and support student centered environmental research. Our plan and subsequent activity gained wide support from the community and 6,000 sea oats were planted along the primary dune by community and school volunteers in May 2013. Seven properties now have sand fences helping preserve and build the dunes. Frequent beach clean-ups have been organized and conducted. In short, Grandview Island Beach Partners and the Grandview community actively support protecting and preserving White Marsh Beach so that it might be enjoyed for many years to come. At the behest of Councilman Stuart, City Council discussed how the City might divest the property it owns in the Grandview White Marsh area on February 12, 2014. Should the City Council decide to move forward with this idea, Grandview Island Beach Partners pledges to be an active steward of the City's property at White Marsh Beach and hopes that our City will determine that we are worthy of its trust and this responsibility. Some members of our community have come to this meeting tonight to show support for Grandview Island Beach Partners and its desire to become the custodian and protector of the City's lot.

Members of the audience in support stood to be recognized. Ms. Butcher also submitted letters of support from property owners and other Grandview organizations.

Ms. Bunting noted, for the record, that all of the deed restrictions, requirements, easements, etc. that Council requested staff to ensure were part of the transaction have been incorporated by the City Attorney and agreed to by Grandview Island Partners.

Mayor Wallace called for additional speakers from those in the audience. Hearing none, the Public Hearing was closed.

HELD PUBLIC HEARING - Bud Hurst and Anne Butcher spoke in favor of the resolution.

APPROVED

Motion made by: Councilmember Christopher G. Stuart

Seconded by: Vice Mayor Linda Curtis

Ayes: 7 - Linda Curtis, W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace

Nays: 0

GENERAL ITEMS

APPOINTMENTS

At Mayor Wallace's request, Ms. Lee read the appointments for items 14-17.

Mayor Wallace called for the motion to move approval for appointments.

14. 13-0386 to consider appointments to the Citizens' Engagement Advisory Commission (CEAC) formerly known as the Ad Hoc Leadership Group

APPOINTED Sanket Acharya, Celestine Carter, Thurman Clark, Dr. Pamela Hammond, Kathy Johnson, Sallie Marchello, Shaun O'Keefe, and Pastor Brian Sixbey.

Motion made by: Councilmember Chris Snead

Seconded by: Councilmember Will Moffett

Ayes: 6 - Linda Curtis, W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, George E. Wallace

Nays: 1 - Donnie R. Tuck

15. 14-0045 to consider appointments to the Peninsula Town Center Community Development Authority

APPOINTED James A. "Pete" Peterson, the City Manager's designee, for four years; James Eason, the landowner's designee, for four years; Jesse Wallace for one year; Scott Seymour, Esq. for two years; Patricia Melochick, Esq. for three years; and Brian DeProfio as the alternate.

Motion made by: Councilmember Chris Snead

Seconded by: Councilmember Will Moffett

Ayes: 7 - Linda Curtis, W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace

Nays: 0

16. 14-0093 to consider appointments to the 1619 Commission

APPOINTED Colita Fairfax and Calvin Pearson as co-chairs and also Ann Bane, Valinda Carroll, Eola Dance, Billie Einselen, William Harper, Hugh Harrell, Ashley Ide, Glenn Oder, Rob Shuford, Chadra Pittman-

Walke, Dr. William Wiggins, Audrey Williams, Rev. Dr. Richard Wills, Judy Carr, and Larry Gibson as committee members.

Motion made by: Councilmember Chris Snead

Seconded by: Councilmember Will Moffett

Ayes: 7 - Linda Curtis, W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace

Nays: 0

17. 14-0135 to consider appointments to the Parks and Recreation Advisory Board

APPOINTED Douglas Sessoms and Willie Brown to four year terms which will expire on March 31, 2018, and reappointed Robert Shuford for his second four year term which will expire on March 31, 2018.

Motion made by: Councilmember Chris Snead

Seconded by: Councilmember Will Moffett

Ayes: 7 - Linda Curtis, W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace

Nays: 0

REPORTS BY CITY MANAGER, CITY COUNCIL, STAFF, COMMITTEES

For the benefit of the public, Ms. Bunting addressed two topics which surfaced at the Public Comment Period. She noted that staff has communicated with those citizens we indicated we would.

Ms. Bunting addressed a question that was posed regarding where the Indian River and Robinson Creek Dredging is. She said Council is familiar with this; however, staff shared with Mr. James Yacobi (who posed the question) that we are still working on getting the necessary landowner permissions or easements needed to do that dredging. She noted it is still a high priority of Council and the community to do the dredging; however, there is a legal process through which we must go. She added that we have had some holdouts on some of what we need and we have been working diligently to resolve those. She noted that Mr. Yacobi has tried to assist and we appreciate his offer.

Ms. Bunting addressed the issue posed regarding the King Street construction. She stated that there are starts and stops with this project; therefore, it appears that we are not actively pursuing it. However, there is utility work which needs to be done under the roadway prior to putting on the final pavement. She explained the reason that the dirt is uncovered (and work is done for a few days) then covered up (with no progress for a few days) is because we cannot get the participants (Dominion Virginia Power, Hampton Roads Sanitation District (HRSD), Virginia Natural Gas and Verizon) to do the work at the same time. She added it is in our best interest to get the utility work done before the final overlay is done to the road. She noted weather issues may have added to the delay, but in January we were anticipating that the road would be completed in July of this year. She reiterated that that date may have been pushed back due to all of the recent snow; however, there is an end in sight. Ms. Bunting noted that she has explained this to Mr. Aubrey Baker who posed the question.

Mayor Wallace opened the floor for additional reports from the members of Council. There were no additional reports.

THERE WERE NO MISCELLANEOUS NEW BUSINESS ITEMS DISCUSSED

ADJOURNMENT

George E. Wallace
Mayor

Katherine K. Glass, CMC
Clerk of Council

Date approved by Council _____



City of Hampton

OFFICE OF THE TREASURER

ROBERT S. WILLIAMS
Treasurer

1 Franklin Street, Ste. 100 • P.O. Box 638 • Hampton, VA 23669-0638
<http://www.hampton.gov/treasurer>

Telephone (757) 727-6374
Fax (757) 727-6796

MEMORANDUM

DATE: February 18, 2014
TO: Vanessa Valdejuoli, City Attorney
FROM: Diane Hinton, Chief Deputy Treasurer
RE: Mallory/Bethel Investment Company Refund on Interest

In September and November 2013 the City of Hampton issued tax refunds to Robert Lewis Mallory & Merlene Davis Mallory and Bethel Investment Company. These refunds were the result of Real Estate assessment appeals on three parcels owned by the Mallory's and ten parcels owned by Bethel Investment Company.

After the issuance of these refunds it was determined that interest should have been paid in accordance with Virginia Code.

Attached you will find a record of interest to be refunded on a total of thirteen properties (3 for Robert Lewis Mallory & Merlene Davis Mallory and 10 for Bethel Investment Company).

The total amount of interest to be refunded to the Mallory's is \$9,800.71 and should be issued to:

Robert Lewis Mallory
Merlene Davis Mallory
746 Bellwood Road
Hampton, VA 23666

The total amount of interest to be refunded to Bethel Investment Company is \$197,645.82 and should be issued to:

Bethel Investment Company
101 Maywood Drive
Hampton, VA 23666

INTEREST TO BE
REFUNDED
\$ 33.70
\$ 18.72
\$ 18.72
\$ 3.74
\$ 2.50
\$ 111.07

NUMBER OF
MONTHS
27
27
15
3
2

MONTHLY
INTEREST RATE
0.008333333
0.008333333
0.008333333
0.008333333
0.008333333

PREVIOUS
REFUND DATE
09/17/2013
09/17/2013
09/17/2013
09/17/2013
09/17/2013

PREVIOUS TAX
REFUND
\$ 149.76
\$ 149.76
\$ 149.76
\$ 149.76
\$ 149.76

REFUND
NUMBER
2011
2011
2012
2013
2013

TAX YEAR
HALF
1
2
2
1
2

PROPERTY ADDRESS
5001246 SEMPLE FARM RD
HAMPTON VA

OWNER
ROBERT LEWIS MALLORY
746 BELLWOOD ROAD
HAMPTON VA 23666

I hereby certify the sum of \$111.07 in interest is to be refunded on taxes paid to the City Treasurer and previously refunded by the City of Hampton as disclosed by the records in this office.

2/13/14
Date
Signature of Hampton City Treasurer

I hereby certify that on the basis of the facts set forth on this form, the taxpayer is legally entitled to a refund of \$111.07 according to the provisions of Virginia Code Section 58.1-3916, and I hereby consent to the issuance of a refund, provided the City Council so orders.

2/13/14
Date
Signature of Hampton City Attorney

At a regular meeting of the City Council of the City of Hampton held in the City Hall on _____, the Council ordered and directed the Treasurer and Director of Finance to refund the sum of \$ _____ to the taxpayer.

Date
Signature of Clerk of Council

Refunds should be issued to:
Name ROBERT LEWIS MALLORY
Address MERLENE DAVIS MALLORY
746 BELLWOOD ROAD
HAMPTON VA 23666

INTEREST TO BE
REFUNDED
\$ 1,435.13
\$ 1,435.13
\$ 1,148.10
\$ 1,148.10
\$ 888.16
\$ 888.16
\$ 6,942.78

MONTHLY
INTEREST RATE
MONTHS
NUMBER OF
REFUNDED
\$ 1,435.13
\$ 1,435.13
\$ 1,148.10
\$ 1,148.10
\$ 888.16
\$ 888.16
\$ 6,942.78

PREVIOUS TAX
REFUND
NUMBER
\$ 2,599.48
\$ 2,599.48
\$ 2,599.48
\$ 2,599.48
\$ 2,599.48
\$ 2,599.48
\$ 2,599.48

PREVIOUS DATE
REFUND DATE
\$ 2,599.48
\$ 2,599.48
\$ 2,599.48
\$ 2,599.48
\$ 2,599.48
\$ 2,599.48
\$ 2,599.48

PROPERTY ADDRESS
TAX YEAR
\$ 2,599.48
\$ 2,599.48
\$ 2,599.48
\$ 2,599.48
\$ 2,599.48
\$ 2,599.48
\$ 2,599.48

PROPERTY ADDRESS
TAX YEAR
\$ 2,599.48
\$ 2,599.48
\$ 2,599.48
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\$ 2,599.48
\$ 2,599.48
\$ 2,599.48

PROPERTY ADDRESS
TAX YEAR
\$ 2,599.48
\$ 2,599.48
\$ 2,599.48
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\$ 2,599.48
\$ 2,599.48

PROPERTY ADDRESS
TAX YEAR
\$ 2,599.48
\$ 2,599.48
\$ 2,599.48
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PROPERTY ADDRESS
TAX YEAR
\$ 2,599.48
\$ 2,599.48
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\$ 2,599.48

PROPERTY ADDRESS
TAX YEAR
\$ 2,599.48
\$ 2,599.48
\$ 2,599.48
\$ 2,599.48
\$ 2,599.48
\$ 2,599.48
\$ 2,599.48

I hereby certify the sum of \$6,942.78 in interest is to be refunded on taxes paid to the City Treasurer and previously refunded by the City of Hampton as disclosed by the records in this office.

2/13/14
Date
Signature of Hampton City Treasurer

I hereby certify that on the basis of the facts set forth on this form, the taxpayer is legally entitled to a refund of \$6,942.78, according to the provisions of Virginia Code Section 58.1-3916, and I hereby consent to the issuance of a refund, provided the City Council so orders.

2/13/14
Date
Signature of Hampton City Attorney

At a regular meeting of the City Council of the City of Hampton held in the City Hall on _____, the Council ordered and directed the Treasurer and Director of Finance to refund the sum of \$ _____ to the taxpayer.

Date
Signature of Clerk of Council

Refunds should be issued to:
Name ROBERT LEWIS MALLORY
Address MERLENE DAVIS MALLORY
746 BELLWOOD ROAD
HAMPTON VA 23666

Signature of Hampton City Treasurer

James T. Ladd
Signature of Hampton City Attorney

Signature of Clerk of Council

Refunds should be issued to:

Name	ROBERT LEWIS MALLORY MERLENE DAVIS MALLORY
Address	746 BELLWOOD ROAD HAMPTON VA 23666

[illegible]

TAX	YEAR	HALF	REFUND NUMBER	REFUND AMOUNT	PREVIOUS TAX	PREVIOUS REFUND DATE	MONTHLY INTEREST	NUMBER OF MONTHS	INTEREST TO BE REFUNDED
2013	2	237498.NT	\$	1,396.20	1,396.20	11/01/2013	0.008333333	5	\$ 58.18
2013	1	237497.NT	\$	1,396.20	1,396.20	11/01/2013	0.008333333	5	\$ 58.18
2012	2	237500.NT	\$	1,396.20	1,396.20	11/01/2013	0.008333333	17	\$ 197.80
2012	1	237499.NT	\$	1,396.20	1,396.20	11/01/2013	0.008333333	17	\$ 197.80
2011	2	237502.NT	\$	1,396.20	1,396.20	11/01/2013	0.008333333	29	\$ 337.42
2011	1	237501.NT	\$	1,396.20	1,396.20	11/01/2013	0.008333333	29	\$ 337.42
2010	2	237504.NT	\$	1,396.20	1,396.20	11/01/2013	0.008333333	41	\$ 477.04
2010	1	237503.NT	\$	1,396.20	1,396.20	11/01/2013	0.008333333	41	\$ 477.04
2009	2	237506.NT	\$	1,396.20	1,396.20	11/01/2013	0.008333333	53	\$ 616.66
2009	1	237505.NT	\$	1,396.20	1,396.20	11/01/2013	0.008333333	53	\$ 616.66
2008	2	237508.NT	\$	1,423.05	1,423.05	11/01/2013	0.008333333	65	\$ 770.82
2008	1	237507.NT	\$	1,423.05	1,423.05	11/01/2013	0.008333333	65	\$ 770.82
TOTAL FOR RPC 6001016									\$ 4,915.79

OWNER	RPC	PROPERTY ADDRESS	YEAR	HALF	REFUND NUMBER	REFUND AMOUNT	PREVIOUS TAX	PREVIOUS REFUND DATE	MONTHLY INTEREST	NUMBER OF MONTHS	INTEREST TO BE REFUNDED
BETHEL INVESTMENT COMPANY	6001016	MIDDLE RD	2008	1	237507.NT	\$	1,423.05	11/01/2013	0.008333333	65	\$ 770.82
101 MAYWOOD DR			2008	2	237508.NT	\$	1,423.05	11/01/2013	0.008333333	65	\$ 770.82
HAMPTON VA 23666			2009	1	237505.NT	\$	1,396.20	11/01/2013	0.008333333	53	\$ 616.66
			2009	2	237506.NT	\$	1,396.20	11/01/2013	0.008333333	53	\$ 616.66
			2010	1	237503.NT	\$	1,396.20	11/01/2013	0.008333333	41	\$ 477.04
			2010	2	237504.NT	\$	1,396.20	11/01/2013	0.008333333	41	\$ 477.04
			2011	1	237501.NT	\$	1,396.20	11/01/2013	0.008333333	29	\$ 337.42
			2011	2	237502.NT	\$	1,396.20	11/01/2013	0.008333333	29	\$ 337.42
			2012	1	237499.NT	\$	1,396.20	11/01/2013	0.008333333	17	\$ 197.80
			2012	2	237500.NT	\$	1,396.20	11/01/2013	0.008333333	17	\$ 197.80
			2013	1	237497.NT	\$	1,396.20	11/01/2013	0.008333333	5	\$ 58.18
			2013	2	237498.NT	\$	1,396.20	11/01/2013	0.008333333	5	\$ 58.18

I hereby certify the sum of \$4,915.79 in interest is to be refunded on taxes paid to the City Treasurer and previously refunded by the City of Hampton as disclosed by the records in this office.

2/12/14
 Date
 Signature of Hampton City Treasurer

I hereby certify that on the basis of the facts set forth on this form, the taxpayer is legally entitled to a refund of \$4,915.79, according to the provisions of Virginia Code Section 58.1-3916, and I hereby consent to the issuance of a refund, provided the City Council so orders.

2/12/14
 Date
 Signature of Hampton City Attorney

At a regular meeting of the City Council of the City of Hampton held in the City Hall on _____, the Council ordered and directed the Treasurer and Director of Finance to refund the sum of \$ _____ to the taxpayer.

 Date
 Signature of Clerk of Council

Refunds should be issued to:
 Name BETHEL INVESTMENT COMPANY
 Address 101 MAYWOOD DRIVE
 HAMPTON VA 23666

INTEREST TO BE
REFUNDED

\$ 909.19

\$ 909.19

\$ 777.35

\$ 562.67

\$ 562.67

\$ 397.99

\$ 397.99

\$ 233.30

\$ 233.30

\$ 68.62

\$ 68.62

\$ 5,798.09

TOTAL FOR RPC 6001011

MONTHLY INTEREST

NUMBER OF

MONTHS

RATE

PREVIOUS

REFUND DATE

PREVIOUS TAX

REFUND AMOUNT

REFUND

NUMBER

YEAR

PROPERTY ADDRESS

OWNER

BETHEL INVESTMENT COMPANY

6001011 MIDDLE RD

HAMPTON VA 23666

101 MAYWOOD DR

HAMPTON VA 23666

2008 1 237495.INT \$

2008 2 237495.INT \$

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2011 1 237495.INT \$

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2012 1 237495.INT \$

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2013 2 237495.INT \$

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2/13/14



Signature of Hampton City Treasurer

2/28/14
Date

Carlene T. Cardwell
Signature of Hampton City Attorney

Date _____

Signature of Clerk of Council _____

Refunds should be issued to:
Name BETHEL INVESTMENT COMPANY
Address 101 MAYWOOD DRIVE
HAMPTON VA 23666

[illegible]

2/23/14
Date


Signature of Hampton City Treasurer

2/23/14
Date


Signature of Hampton City Attorney

Date _____

Signature of Clerk of Council _____

Refunds should be issued to:
Name BETHEL INVESTMENT COMPANY
Address 101 MAYWOOD DRIVE
HAMPTON VA 23666

[illegible]

TOTAL FOR RPC 5000090
\$ 5,021.98

INTEREST TO BE
REFUNDED \$ 787.47

NUMBER OF
MONTHS \$ 65

MONTHLY INTEREST
RATE \$ 0.00833333

PREVIOUS
MONTHLY INTEREST \$ 0.00833333

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PREVIOUS
MONTHLY INTEREST \$ 0.00833333

TOTAL FOR RPC 5000090
\$ 5,021.98

INTEREST TO BE
REFUNDED \$ 787.47

NUMBER OF
MONTHS \$ 65

MONTHLY INTEREST
RATE \$ 0.00833333

PREVIOUS
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PREVIOUS
MONTHLY INTEREST \$ 0.00833333

PREVIOUS
MONTHLY INTEREST \$ 0.00833333

I hereby certify the sum of \$5,021.98 in interest is to be refunded on taxes paid to the City Treasurer and previously refunded by the City of Hampton as disclosed by the records in this office.

G. I. Lewis

Signature of Hampton City Treasurer

2/13/14

Date

I hereby certify that on the basis of the facts set forth on this form, the taxpayer is legally entitled to a refund of \$5,021.98 according to the provisions of Virginia Code Section 58.1-3916, and I hereby consent to the issuance of a refund, provided the City Council so orders.

William F. LaBonte

Signature of Hampton City Attorney

2/28/14

Date

At a regular meeting of the City Council of the City of Hampton held in the City Hall on _____, the Council ordered and directed the Treasurer and Director of Finance to refund the sum of \$ _____ to the taxpayer.

Date

Signature of Clerk of Council


Refunds should be issued to:

Name BETHEL INVESTMENT COMPANY

Address 101 MAYWOOD DRIVE

HAMPTON VA 23666

2/13/14
Date


Signature of Hampton City Treasurer

Signature of Hampton City Attorney

Date 2/28/14

Date _____

Signature of Clerk of Council _____

Refunds should be issued to:

Name	BETHEL INVESTMENT COMPANY
Address	101 MAYWOOD DRIVE HAMPTON VA 23666

[illegible]

2/13/14
Date

2/28/14
Date

LaDonna T. Gallagher
Signature of Hampton City Attorney

Date

Signature of Clerk of Council

Refunds should be issued to:

Name	BETHEL INVESTMENT COMPANY
Address	101 MAYWOOD DRIVE HAMPTON VA 23666

[illegible]

TOTAL FOR RPC 500039

INTEREST TO BE

REFUNDED

NUMBER OF

MONTHS

RATE

PREVIOUS

MONTHLY INTEREST

PREVIOUS TAX

REFUND AMOUNT

REFUND NUMBER

HALF

YEAR

2008

2008

2008

2008

2008

2008

2008

2008

2008

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2008

I hereby certify the sum of \$27,587.00 in interest is to be refunded on taxes paid to the City Treasurer and previously refunded by the City of Hampton as disclosed by the records in this office.

[Signature]

Signature of Hampton City Treasurer

2/13/14

Date

I hereby certify that on the basis of the facts set forth on this form, the taxpayer is legally entitled to a refund of \$27,587.00 according to the provisions of Virginia Code Section 58.1-3916, and I hereby consent to the issuance of a refund, provided the City Council so orders.

[Signature]

Signature of Hampton City Attorney

2/25/14

Date

At a regular meeting of the City Council of the City of Hampton held in the City Hall on _____, the Council ordered and directed the Treasurer and Director of Finance to refund the sum of \$ _____ to the taxpayer.

Date

Signature of Clerk of Council

Refunds should be issued to:

Name BETHEL INVESTMENT COMPANY

Address 101 MAYWOOD DRIVE

HAMPTON VA 23666

OWNER
BETHEL INVESTMENT COMPANY
RPC 500039 1520 BIG BETHEL RD
PROPERTY ADDRESS
HAMPTON VA 23666

INTEREST TO BE
REFUNDED

MONTHLY INTEREST

NUMBER OF

RATE

PREVIOUS

REFUND DATE

REFUND AMOUNT

PREVIOUS TAX

REFUND

NUMBER

YEAR

PROPERTY ADDRESS

RPC

OWNER

101 MAYWOOD DR

HAMPTON VA 23666

500047

OLD MALLORY RD

HAMPTON VA

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60,258.22

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713.12

2,424.59

2,424.59

4,136.07

4,136.07

5,847.54

5,847.54

7,559.02

7,559.02

9,448.77

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I hereby certify the sum of \$60,258.22 in interest is to be refunded on taxes paid to the City Treasurer and previously refunded by the City of Hampton as disclosed by the records in this office.

2/25/14

Signature of Hampton City Treasurer

I hereby certify that on the basis of the facts set forth on this form, the taxpayer is legally entitled to a refund of \$60,258.22 according to the provisions of Virginia Code Section 58.1-3916, and I hereby consent to the issuance of a refund, provided the City Council so orders.

2/25/14

Signature of Hampton City Attorney

At a regular meeting of the City Council of the City of Hampton held in the City Hall on _____, the Council ordered and directed the Treasurer and Director of Finance to refund the sum of \$_____ to the taxpayer.

Date

Signature of Clerk of Council

Refunds should be issued to:

Name BETHEL INVESTMENT COMPANY

Address 101 MAYWOOD DRIVE

HAMPTON VA 23666

TAX	YEAR	HALF	NUMBER	REFUND	PREVIOUS TAX	PREVIOUS AMOUNT	REFUND DATE	MONTHLY INTEREST RATE	NUMBER OF MONTHS	INTEREST TO BE REFUNDED
2013	2	237401.INT	\$	482.04	09/17/2013	0.008333333	3	\$	12.05	\$
2013	1	237400.INT	\$	482.04	09/17/2013	0.008333333	3	\$	12.05	\$
2012	2	237403.INT	\$	482.56	09/17/2013	0.008333333	15	\$	60.32	\$
2012	1	237402.INT	\$	482.56	09/17/2013	0.008333333	15	\$	60.32	\$
2011	2	237405.INT	\$	482.56	09/17/2013	0.008333333	27	\$	108.58	\$
2011	1	237404.INT	\$	482.56	09/17/2013	0.008333333	27	\$	108.58	\$
2010	2	237408.INT	\$	482.56	09/17/2013	0.008333333	39	\$	156.83	\$
2010	1	237407.INT	\$	482.56	09/17/2013	0.008333333	39	\$	156.83	\$
2009	2	237409.INT	\$	482.56	09/17/2013	0.008333333	51	\$	205.09	\$
2009	1	237410.INT	\$	482.56	09/17/2013	0.008333333	51	\$	205.09	\$
2008	2	237412.INT	\$	491.84	09/17/2013	0.008333333	63	\$	258.22	\$
2008	1	237411.INT	\$	491.84	09/17/2013	0.008333333	63	\$	258.22	\$
TOTAL FOR RPC 5000088										

I hereby certify the sum of \$1602.17 in interest is to be refunded on taxes paid to the City Treasurer and previously refunded by the City of Hampton as disclosed by the records in this office.

2/13/14 Date
[Signature] Signature of Hampton City Treasurer

I hereby certify that on the basis of the facts set forth on this form, the taxpayer is legally entitled to a refund of \$1,602.17 according to the provisions of Virginia Code Section 58.1-3916, and I hereby consent to the issuance of a refund, provided the City Council so orders.

2/28/14 Date
[Signature] Signature of Hampton City Attorney

At a regular meeting of the City Council of the City of Hampton held in the City Hall on _____, the Council ordered and directed the Treasurer and Director of Finance to refund the sum of \$ _____ to the taxpayer.

 Date

 Signature of Clerk of Council

Refunds should be issued to:
 Name BETHEL INVESTMENT COMPANY
 Address 101 MAYWOOD DRIVE
 HAMPTON VA 23666

OWNER
 BETHEL INVESTMENT COMPANY
 101 MAYWOOD DR
 HAMPTON VA 23666
 RPC 5000088
 PROPERTY ADDRESS
 BIG BETHEL RD
 HAMPTON VA

City Council

ZOA 135-2014 Drive-through Menu Board Signs



March 12, 2014

HAMPTON VA

Board of Zoning Appeals Requests

- Several BZA requests over the last few years



City Council
March 12, 2014

Community Development Department
Slide 2/6

Current Ordinance

- Limits menu signs to one per site regardless of number of drive-through lanes
- Maximum size determined by location on property
 - 16 square feet in front or side yard
 - 24 square feet in rear yard
 - 6' height maximum for all menu signs

City Council
March 12, 2014

Community Development Department
Slide 3/6

Proposed Ordinance

- Allows two menu signs per drive-through lane to accommodate multiple drive-through lanes as well as preview menu signs
- Maximum size will not change
 - 16 square feet in front or side yard
 - 24 square feet in rear yard
 - 6' height maximum for all menu signs

City Council
March 12, 2014

Community Development Department
Slide 4/6

Review & Support

- Presented to the Zoning Ordinance Advisory Committee (ZOAC) in December 2013
- Amendment is supported by ZOAC and the Coliseum Central Business Improvement District
- Planning Commission recommended approval in February 2014

City Council
March 12, 2014

Community Development Department
Slide 5/6

Recommendation

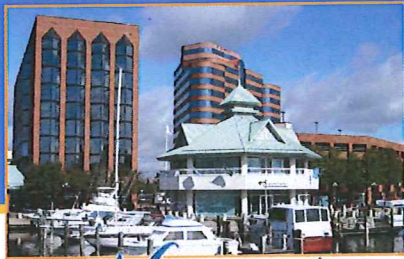
**Approval of
ZOA 135-2014**

City Council
March 12, 2014

Community Development Department
Slide 6/6

Zoning Ordinance Amendments 136-2014 & 137-2014

Community Gardens



Hampton
VIRGINIA

City Council
March 12, 2014

Proposal

Amend & Re-Enact Chapter 2 “Uses Permitted”

Chapter 2.1 “Definitions”

Regulation of Community Gardens

Community Development Department
March 12, 2014

ZOA 136-2014 & 137-2014

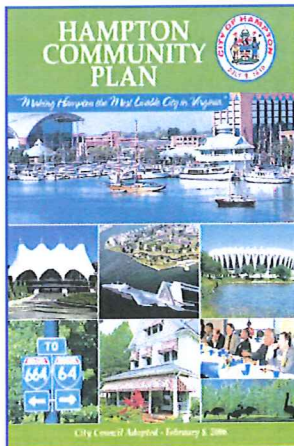
Purpose of Proposal

- Research outcome
- Permit community gardens in zoning ordinance
- Re-define in zoning ordinance
- Transition some publicly owned vacant land to community gardens
- Efficient use of vacant lots

Community Development Department
March 12, 2014

ZOA 136-2014 & 137-2014

City Policy



[2006, as amended]

- Connections - open spaces & community facilities
- Environmental education & stewardship
- Community interaction - families, schools & community
- Efficient use of land

Community Development Department
March 12, 2014

ZOA No. 136-2014 & 137-2014

Research: Zoning Policies

- **Researched other localities' community gardens zoning policies:**
 - **Newport News**
 - **Richmond**
 - **Roanoke**



Community Development Department
March 12, 2014

ZOA No. 136-2014 & 137-2014

Research: Hampton Community Gardens

**Cary Elementary
School**

**Spratley Gifted
Center**



Community Development Department
March 12, 2014

ZOA No. 136-2014 & 137-2014

Research: Feedback about Amendments

- **Zoning Ordinance Advisory Committee,**
reviewed October 2013
- **Neighborhood Commission,**
reviewed November 2013



Neighborhood Commissioners

Community Development Department
March 12, 2014

ZOA No. 136-2014 & 137-2014

Outcome of Proposal

- **Permit community gardens in all zoning districts on the following:**

Land Ownership Type:	Primary Use (vacant land):	Accessory Use:
Publicly owned	✓	✓
Privately owned by non-profit/charitable/educational/religious entities	✗	✓

Community Development Department
March 12, 2014

ZOA 136-2014 & 137-2014

Outcome of Proposal

- **Proposed definition:**
 - The cultivation of fruits, flowers, vegetables, and/or ornamental plants by more than one (1) person for non-commercial purposes.
- **Existing definition:**
 - ~~A publicly owned plat of land, or a privately owned plat of land with a public access easement, devoted to small-scale horticultural and agricultural use by area residents.~~

Community Development Department
March 12, 2014

ZOA 136-2014 & 137-2014

Next Steps

- **Collaborate with:**
 - Other city departments
 - Stakeholders
- **Determine community garden program structure**
 - Identify criteria for community garden site selection on public land

Community Development Department
March 12, 2014

ZOA 136-2014 & 137-2014

Recommendation

**Approve Zoning Ordinance Amendments
No. 136-2014 & 137-2014**

Community Development Department
March 12, 2014

ZOA No. 136-2014 & 137-2014